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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

FIONA HARVEY,

Plaintiff,

v.

NETFLIX, INC. and NETFLIX  
WORLDWIDE ENTERTAINMENT, LLC,

Defendants.

Case No. 2:24-cv-04744-RGK-AJR

**PLAINTIFF'S NOTICE OF  
MOTION TO STRIKE THE  
DECLARATIONS OF LAURA  
WRAY, LOUISE OAKLEY,  
AND RICHARD GADD**

Date: September 23, 2024

Time: 9:00 a.m.

Place: Courtroom 850

Hon. R. Gary Klausner

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, on September 23, 2024 at 9:00 a.m., or as soon thereafter as the matter may be heard by the Honorable R. Gary Klausner, in the United States District Court for the Central District of California located at 255 East Temple Street, Los Angeles, CA 90012, Courtroom 850, plaintiff Fiona Harvey (“Harvey”) by and through her undersigned counsel, will and hereby do, move the Court to strike the Declaration of Louise Michelle Oakley (ECF 26-3), to strike the Declaration of Laura Wray (ECF 26-27 to ECF 26-43, ECF 34) in its entirety, including exhibits thereto, and to strike paragraphs 24-65 of the Declaration of Richard Gadd and Exhibits 1-60 thereto (ECF 23-1 to 23-60; ECF 27 to 27-60; ECF 35-58) **except the last sentence of Paragraph 41 and Exhibit 44**, that were submitted by defendants Netflix Worldwide Entertainment, LLC and Netflix, Inc., (collectively, “Netflix”) in support of their motion to strike the Complaint pursuant to California’s anti-SLAPP statute Cal. Code Civ. Pro § 425.16.

This motion is made pursuant to the Court’s inherent authority on the grounds that the declarations and exhibits thereto are immaterial, impertinent, and scandalous. *Carrigan v. California State Legislature*, 263 F.2d 560, 564 (9<sup>th</sup> Cir. 1959); *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9<sup>th</sup> Cir. 2010) (“[i]t is well established that district courts have inherent power to control their docket . . . includ[ing] the power to strike items from the docket as a sanction for litigation conduct.”). In addition, this motion is made pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S.Ct. 2786 (1993), which empowers the district court to reject speculative expert testimony.

Specifically, Laura Wray’s declaration is immaterial, impertinent and scandalous in that it seeks to introduce testimony and documents concerning Wray’s experience with plaintiff in the late 1990s – none of which form any part of

1 Plaintiff's Complaint. Wray's declaration and exhibits have no connection to this  
2 action and only serve to publicly humiliate and harass Plaintiff.

3 The expert witness declaration of Louise Michelle Oakley is likewise  
4 immaterial, impertinent and scandalous in that Oakley's expert opinion is that  
5 Plaintiff should have been or could have been convicted of crimes as a result of  
6 Plaintiff's conduct towards Richard Gadd. However, this opinion is not only  
7 conjecture, but also immaterial because it is undisputed that Plaintiff was never  
8 convicted of a crime. Compl., Exh. 1. Netflix's false statements that Harvey was  
9 convicted *twice* is the core of this defamation lawsuit. In addition, Oakley's  
10 declaration should be struck because Netflix did not provide notice of an issue of  
11 foreign law required by Fed. R. Civ. P. 44.1 and because Oakley improperly applies  
12 foreign law to the facts of this case.

13 Finally, paragraphs 24-65, and exhibits 1-60, of the declaration of Richard  
14 Gadd, ***except the last sentence of Paragraph 41 and Exhibit 44*** are immaterial,  
15 impertinent and scandalous as they seek to introduce evidence of immaterial emails  
16 purportedly from Harvey that are sexually explicit and that are neither referenced in  
17 the Complaint or in *Baby Reindeer*. Netflix concedes that Gadd's exhibits 3-41 "are  
18 awash with violent hate speech and sexually explicit, deeply disturbing vitriol that is  
19 *nowhere depicted in the Series.*" ECF 26-1, Netflix Br. at 14. These exhibits only  
20 serve to publicly humiliate Plaintiff. The remainder of Gadd's exhibits include  
21 purported voicemails and emails from Plaintiff concerning problems with an estate  
22 lawyer, Plaintiff's sister, and politicians – none which is depicted in the Series or  
23 included in Plaintiff's complaint. The last sentence of Paragraph 41 and Exhibit 44  
24 are relevant to Harvey's claim that Netflix falsely stated Harvey waited outside  
25 Gadd's home for 16 hours per day as this material confirms that Harvey did not  
26 know where Gadd lived.

1 This motion is based on this Notice, the accompanying Memorandum of  
2 Points and Authorities, the Complaint on file in this action (ECF 1), and such oral  
3 argument as may be presented on this motion.

4 This motion is made following the conference of counsel pursuant to Local  
5 Rule 7-3, which took place on August 15, 2024. Counsel for the parties were unable  
6 to reach a resolution that would have made this motion unnecessary.

7 Dated: August 26, 2024

8  
9 Respectfully submitted,

10 THE ROTH LAW FIRM, PLLC

11 Brian Levenson

12 By: /s/ Brian Levenson

13 Brian Levenson

14 Attorneys for Plaintiff Fiona Harvey  
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